

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HEIDE E.,

Plaintiff,

Case No. 3:22-cv-282

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Karen L. Litkovitz

Defendant.

ORDER: (1) ADOPTING IN FULL THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 13); (2) OVERRULING THE COMMISSIONER'S OBJECTIONS (Doc. No. 14); (3) REVERSING THE COMMISSIONER'S NON-DISABILITY FINDING UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g); (4) REMANDING THIS CASE TO THE SOCIAL SECURITY ADMINISTRATION FOR FURTHER PROCEEDINGS; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

This Social Security case is before the Court on the Report and Recommendation issued by the United States Magistrate Judge (Doc. No. 13), to whom this case was referred pursuant to 28 U.S.C. § 636(b) and Dayton General Order 22-01.¹ The Magistrate Judge recommended that the ALJ's non-disability finding be reversed and the case be remanded for further administrative proceedings. *Id.* The Commissioner filed objections to the Report and Recommendation (Doc. No. 14) and Plaintiff has responded (Doc. No. 15). As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including the Commissioner's objections and Plaintiff's response, including her request for a remand requiring payment of benefits rather than further proceedings. Doc. No. 15 at PageID 1092.

¹ See <https://www.ohsd.uscourts.gov/content/general-orders-ohio-southern-district>.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation is thorough, sets forth the applicable law, and is well reasoned. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED**; (2) the Commissioner's objections are **OVERRULED**; (3) the Commissioner's non-disability determination is **REVERSED**; (4) this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistence with this Order and the Report and Recommendation; and (5) this case is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

January 30, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge